

REMARKS

In response to the Office Action mailed January 4, 2008, Applicants respectfully submit the above claim amendments, the following remarks and respectfully request reconsideration. In this Amendment, Applicants have amended claims 13 and 14 and cancelled claims 1-12 and 25-28 from further consideration in this application. As a result of this amendment, claims 13-24 remain pending in this application of which claim 13 is independent.

Applicants do not concede that the subject matter encompassed amended claims 13 and 14 and cancelled claims 1-12 and 25-28 prior to this Amendment is not patentable over the art cited by the Examiner. Applicants respectfully reserves the right to pursue claims, including the subject matter encompassed by claims 1-12 and 25-28, as presented prior to this Amendment and additional claims in one or more continuing applications.

Claims 13-24

Claim 13-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication 2001/0037453 to Mitty et al. ("Mitty"). In view of the amendments to claim 13, Applicants respectfully traverse the rejection of claims 13-24.

Claim 13, as amended, is directed to a method for instant messaging in a network communication system. The method of claim 13 includes formulating a combined message to a recipient. The combined message includes a predictive code and a communications message. The method of claim 13 also includes transmitting the predictive code and the communications message to a recipient and executing the predictive code at the recipient. The method of claim 13 also includes delivering the communications message to the recipient if the predictive code returns a first value and discarding the communications message if the predictive code returns a second value.

Support for the amendments to claim 13 may be found throughout the specification and, for example, in paragraph 21.

Mitty is directed to a method of ensuring non- repudiation of the receipt and

contents of a message by utilizing a trusted intermediary (Abstract). The method taught by Mitty seeks to ensure that the receipt of a message sent by a sender and received by a recipient is confirmed and stored by an intermediary to ensure that a record of receipt by the recipient is created.

In particular, Mitty teaches sending an original packet from a sender 105 to an intermediary 115 (paragraph 51). The original packet includes an outer envelope and an inner envelope (Id.). The intermediary alters the outer envelope and forwards the modified outer envelope and the inner envelope to the recipient (paragraph 52). Upon receipt of the package (which includes the outer envelope created by the intermediary and the inner envelope) by the recipient, the recipient, whether “asked” or not, sends an acknowledgement that it received the package (paragraph 112).

Mitty does, however, teach or suggest a method that includes, as is recited in amended claim 13, transmitting predictive code and a communications message to a recipient, executing the predictive code at the recipient and delivering the message to the recipient if the predictive code returns a first value and discarding the communications message if the predictive code returns a second value. Indeed, Applicants do not observe any mention in Mitty that, based on the results of a predictive code, a communications message may be discarded.

Furthermore, Mitty is primarily directed to ensuring that a message reaches a recipient and that such receipt is documented, exactly the opposite of being able to discard a message. As such, Mitty fails to teach each and every element of claim 13 as amended and one of ordinary skill in the art would not be motivated to modify the teachings of Mitty in a manner so as to create the present invention as recited in amended claim 13.

In view of the foregoing, Applicants respectfully assert that claim 13 is patentable over Mitty.

Claims 14-24 depend from claim 13 and, therefore, are patentable for at least the same reasons. The amendments to claim 14 are made merely bring claim 14 into line

with amended claim 13.

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0463 maintained by Applicants' assignee.

Respectfully submitted,

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